

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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File No. 22-CR-86-2 (JWB/ECW)

United States of America,

Plaintiff,  
v.

Gabriel Lemoine,

Defendant.

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GABRIEL LEMOINE'S  
MOTION FOR DISCLOSURE  
OF ROUGH NOTES AND  
IMPEACHMENT EVIDENCE

'COMES NOW Defendant Gabriel Lemoine, by and through his undersigned attorney, hereby moves the Court for an Order compelling the Government to disclose all rough notes of the agents in this matter, as well as any impeachment evidence, and any exculpatory information.

The Court has previously ordered the agents to retain their rough notes. (Order, Doc. 76 at 13.) The Court also ordered disclosure of impeachment evidence. (*Id.* at 10.) The Defense now moves for disclosure of those rough notes, and also any additional impeachment information.

No impeachment evidence has been disclosed to date regarding the agents, with the exception of a recording that is the subject of another motion.

This request is especially necessary in light of the fact that there is no transcript of the detention hearing available. Defense counsel requested a transcript (Doc. 122) and was informed by the court reporter unit that in fact, no recording of the contested

detention hearing at which the agent(s) testified was made. Therefore, Defendant already lacks essential information for cross-examination at trial, which heightens the need for rough notes and impeachment evidence.

As this Court has previously noted in its prior orders, that impeachment evidence must be disclosed immediately under the *Brady* and *Giglio* doctrines. *Id.* at 10-11 citing *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Poindexter*, 727 F.Supp. 1470, 1485 (D.C.C. 1989); *United States v. Martin*, 18-CR-268 (PJS/TNL), 2019 WL 2171815 (D.Minn. 2019). It is, of course, unknown to the defense what *Brady* and *Giglio* information may be contained in the rough notes of the agents, but the government cannot be the sole arbiter of whether there is or is not such information contained in those notes. Furthermore, any additional information that may impeach the government's witnesses must be disclosed by the government, and there has been no such disclosure.

This is a circumstantial evidence case with no direct evidence of Mr. Lemoine's alleged knowledge of the drug trafficking activities of Martinez and others. This heightens the defense's need for the rough notes of the agents and any additional impeachment evidence or exculpatory information. Mr. Lemoine therefore respectfully requests the Court order disclosure of the aforesaid categories of information.

Respectfully Submitted,

**ANDREW IRLBECK LAWYER CHTD.**

Dated: May 12, 2023

/s/ Andrew M. Irlbeck  
Andrew M. Irlbeck, #392626  
332 Minnesota St., Ste. W1610  
St. Paul, MN 55101

Phone: 612-986-3895  
Fax: 651-223-5179  
[andrew@irlbecklaw.com](mailto:andrew@irlbecklaw.com)  
ATTORNEY FOR GABRIEL LEMOINE